REMARKS

Claims 1, 4-11, 14-21, and 23-38 are all the claims pending in the application, claims 2-3, 12-13, and 22 having previously been cancelled. The Examiner rejects claims 1, 4-9, 11, 14-19, 21, and 23-29, and 31-38 under 35 U.S.C. §103(a) as being unpatentable over Khare et al. (US Pub. 2002/0065067) in view of Skog (US 6,427,076); claims 10 and 20 as being unpatentable over Khare in view of Skog and further in view of Bright et al. (US 6,912,389); and claims 23 and 30 as being unpatentable over Khare in view of Skog and further in view of Bright.

Applicant cancels claims 1, 4-11, 14-20, 24, and 28-38, and amends claims 21, 23, and 25-27. Claims 21, 23, and 25-27 remain for prosecution.

102(b) Rejections
Khare and Skog References

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

The present invention relates to a method for operating a mobile communication terminal (terminal) in a data communication service (GPRS) of a global system for mobile communications (GSM). Within a GSM, a terminal registered within a home service area may use the GPRS for receiving data, wherein receiving data may mean being provided with an Internet connection for sending data to and receiving data from the Internet. A terminal registered within a home area is not provided access to the GPRS in any other area unless the terminal is also registered with that area, for example when the terminal is

roaming. According to the current art, if terminal tries to access the GPRS while roaming where the terminal is not registered, the terminal receives a reject signal ("reject data") that the terminal stores within its memory. If subsequently, the terminal tries to access the GPRS while in the home area, access is denied because "reject data" is stored in memory. Access to GPRS is not granted until the "reject data" is deleted from memory manually or by cycling the terminal between on and off states. *See*, Application, paragraphs 0005-0007.

The present invention stores the "reject data" as pending, and upon verifying that "reject data" is pending, further checks to determine whether the terminal is registered in the area from which the terminal requests GPRS access. If so, then access is granted, else access is denied.

Claim 21

Independent claim 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Khare in view of Skog. Khare is drawn to a method for displaying whether the current system, in which a terminal is presently operating, offers data service connectivity (Khare, Abstract). Upon receiving a call origination from a terminal, the base station serving the area in which the terminal is located will respond to the terminal that data service is available (Khare, paragraph 0037) and the terminal displays an icon indicating that data service is available (Khare, paragraph 0039). Receiving an indication that the data service is available does not indicate that data service will be provided. Reasons that service may not be provided are system overload, incompatibility between the base station and terminal options, or accounting or registrations problems (Khare, paragraph 0039). Khare teaches that the base station provides an **indication for display** on a terminal that a data service is available, and Khare's base stations provides the indication when the terminal powers up or changes location (Khare, paragraph 0046).

The Examiner stated that Khare fails to disclose when the reject data is stored in a pending status and relies upon Skog for this teaching citing "the MS

may be updated with changes to the SDR as necessary, if the flag is set the HLR send the corresponding flag for that data to the MS." Skog, col. 6: 1-25 and col. 5: 25-30.

However, Skog does not teach "checking whether the reject data has been set in the user equipment in the pending status when the user equipment requests the data communication service in a home area of the first mobile switching center" as required by amended claim 21, and specifically, Skog does not describe "setting the reject data to a pending status in the user equipment."

The purpose of setting a reject flag in the user's equipment to pending status is to allow the user to receive data when in the home service area after having previously received a reject flag. "Setting the reject data in the pending status means receiving the reject data and changing a network status of the UE to a GPRS pending roaming network status. When the UE 10, registered in the first MSC 20, enters the home area, the first MSC 20 directly provides the data communication service to the UE 10 on the basis of the pending reject data set in the UE 10." See, Application, paragraph 29.

Skog does not teach the limitations of checking reject data stored on a terminal and taking further action based on the reject data status and terminal location. Skog updates subscriber data when, among other reasons, the terminal moves from one are to another, but Skog does not teach checking the data stored on a terminal (there is no need because the MSC transmits the data to the terminal) to determine whether to provide a data service based upon the data stored on the terminal and the location of the terminal. Skog teaches that the subscriber information is stored at the MSC as well as the terminal; therefore it is not necessary to query the terminal regarding subscriber data.

For at least this reason, the combination of Khare and Skog des not teach all the limitations of claim 21 as amended, and the prima facie case fails. For at least this reason, applicant respectfully requests reconsideration and withdrawal of this rejection and early allowance of claim 21.

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<u>Dependent claims 23 and 25-28</u>

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable for at least this reason. Applicant respectfully requests reconsideration and withdrawal of the rejections.
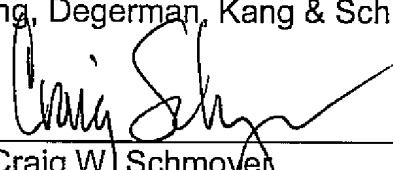
CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain at issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly invited to contact the undersigned at (213) 623-2221.

Respectfully submitted,
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